

## **REMARKS**

Claims 1-4, 6-15 and 18-21 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-4, 6-8, 10-15 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0047916 (Miyagi) in view of U.S. Patent Publication No. 2003/0206636 (Ducharme). This rejection is respectfully traversed.

Miyagi is directed generally to a system that enables a user to send an image from a camera or personal computer to a central server. The server may convert the image to a suitable format for use on other types of devices, such as a phone. Any subsequent transmission of the image is directly from the server to a requesting device. Miyagi fails to teach or suggest that a requesting device can receive image data from a device other than the central server. In Miyago, only the central server can retransmit image data. Even if a device could receive image data from a source other than the central server, Miyago does not teach or suggest that the receiving device can select a source for the image data from amongst two different sources. The Examiner concedes this point but relies upon Ducharme to teach this aspect of Applicant's claimed invention.

Ducharme is relates generally to a system and method for protecting video data using encryption keys. With reference to Figure 2, protected video data and encryption

key are sent from the service provider 20 via connection 25 to gateway 30. This data is then provided by the gateway 30 to clients 41-43 over connection 35. Statements in paragraph [0014] indicate that multiple connection may exist between the gateway 30 and the clients 41-43. However, Ducharme does not teach or suggest that that protected video data may be sent over a connection from the service provider directly to the clients. In Ducharme, protected video data is always sent from the gateway to the clients. Consequently, the clients are not configured to receive video data directly from the service provider. Moreover, the clients are not operable to select either the service provider or the gateway as the video source as recited in the pending claims.

In contrast, Applicant's invention is directed to a video surveillance system. A video server buffers video data and transmits the video data across a network to various client computing devices. At least some of the client computing devices (referred to a video retransmitters) are configured to retransmit video data across the network to other client computing devices, thereby reducing the bandwidth and computing load placed on the video server. Moreover, a video recipient may "select either the video server or the video retransmitter as a source for the video data based on a metric associated with the transmission path of the video data from the source" as recite in Claim 1 of the present invention. Neither of the references relied upon by the Examiner nor a combination thereof teach this aspect of the present invention. Therefore, it is respectfully submitted that Claim 1, along with claims depending therefrom, defines patentable subject matter over Miyago in view of Ducharme.

To select a video source, a video recipient may query a directory maintained at the video server. More specifically, Claim 14 recites "accessing a retransmitter directory

residing on the video server, where the directory is a list of client computing devices to whom video data is currently being sent and which are configured to retransmit the video data; evaluating a metric associated with each alternative source for the video data being buffered; and selecting a source for the video data based on said metrics". Likewise, this aspect of the present invention is absent from the relied upon references. Therefore, it is respectfully submitted that Claim 14, along with claims depending therefrom, defines patentable subject matter over Miyago in view of Ducharme. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

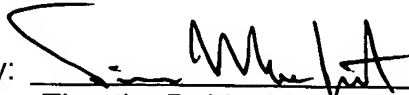
#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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